

Hearing Date: June 26, 2019

Hearing Time: 10:00AM

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

DENNIS AND TAMMY J. TERBUSH

Debtors.

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S I R S :

PLEASE TAKE NOTICE that upon the annexed affirmation of Scott B. Ugell, attorney for the Debtors herein, a motion pursuant to Bankruptcy Code Sections 11 U.S.C. sections 1322(b)(2), 506(a) and (d) and 549 and Bankruptcy Rules 3007 will be made as follows:

Judge: Hon. Sean H. Lane

Return Date and Time: June 26, 2019 at 10:00AM

Courthouse: United States Bankruptcy Court: 300 Quarropas Street, White Plains, New York 10601

Relief Requested: Motion to incur post-petition indebtedness so that Debtor may take a Deferred Compensation Loan for a new roof.

PLEASE TAKE FURTHER NOTICE that answering affidavits, if any, must be served on the undersigned, filed with the Court and a copy brought to Chambers no later than three (3) days prior to the return date.

Dated: New City, New York
May 29, 2019

By: /s/ Scott B. Ugell
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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Case No.: 17-22239 (RDD)

**MOTION OF DEBTOR TO INCUR
POST PETITION INDEBTEDNESS**

DENNIS & TAMMY J. TERBUSH

Chapter 13

Debtors.

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This Day comes the debtor(s) by counsel and moves the court to approve a Deferred Compensation Loan to address an urgent issue.

In support of this motion, the Debtor(s) asserts as follows:

1. The Bankruptcy case of the above Debtor(s) is pending under the Chapter 13 of the United States Bankruptcy Code and was filed on the 16th day of February 2017.
2. The Chapter 13 Plan is currently pending confirmation.
3. The Event precipitating the Debtors needs to incur debt is to replace a roof on the debtors' residence for an estimated amount of \$12,300. In addition, it is anticipated that some plywood sheeting replacement will be required and debtors would like to request to have a \$700 cushion.
4. The roof needs to be replaced due to damages suffered from a storm on March 23, 2019 which risks causing interior damage to the home. I have attached the proposal from Quatrochi & Sons Roofing, Inc. as **Exhibit A**.
5. The Debtor(s) Dennis Terbush proposes to take a deferred compensation loan totaling \$13,000 to cover the cost of a new roof and plywood sheeting replacement. The monthly deduction from his pay check will be \$235.50. The term of the loan would be for 55 months.
6. The Debtors are current on their Chapter 13 plan payments, and the deferred compensation loan payment will not adversely impact the Chapter 13 plan because the Debtors will have a very similar plan payment. This deferred compensation loan will require amendments to schedules I, J and the Chapter 13 plan. If approved the amended plan payment is anticipated to be \$322.00 a month. Proposed amended schedules I and J are attached as **Exhibit B**.
7. The Debtors believe that the deferred compensation loan is necessary to address the aging roof in need of replacement because if left unaddressed, severe damage to the interior of the house will result.

WHEREFORE, the Debtors pray that the court approve the Post-Petition Indebtedness described herein.

Dated: New City, New York
May 29, 2019

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